765 to the watering place. A brother of the deceased goes down in the near-by well, draws out water with a jug, and empties it into the watering trough. Then he passes the jug to the male children, beginning with the eldest, and each one imitates his gesture (2). In

2. During mourning, only the cowherds fill the watering trough.

the evening the guardians milk the cows; then after the mother, with the help of the paternal uncle, has removed the butter from her own churn (gutshyura igisabo, lit., to bring the churns back), the married sons and their wives do the same thing with theirs.

The son then gives a heifer to the uncle and a bull calf to the sister who has removed the cow dung (gukuka) in the kraal.

● 768 The night is spent in drinking, and the following day the uncle proceeds to choose a new head of the family if the father had not already designated one before dying.

765 If the wife has not had any children or if the marriage has lasted only a short while, her death gives rise to no ceremony and the husband wears mourning for only a week. (3)

3. All these curious ceremonies show the deep sorrow of the deceased's relatives. Above all, their purpose [33] is to prevent misfortune descending on the family of the one who has disappeared (guhumana, lit., to be soiled, to change color, to contract a serious illness).

Although they are extraneous to the common law itself, we have deemed it desirable to make a brief sketch of these ceremonies, in order to show that the whole life of the Banyarwanda is encircled in a close web of prescriptions of a magic nature.

[33] 2. Separation and Divorce

586 It may happen that the husband's and wife's characters are not in harmony, that the wife complains of her husband's stinginess,

000 three banana trees.

192 [53] INKAMWA. When the father of a family dies, one of
764 his sons or grandsons is chosen to put between his hands a jug of
231 milk. The cow that has given this milk is called inkamwa. It is given to the one who has placed the jug of milk between the hands of the deceased and is not included in the division of the inheritance.

This cow cannot be sold or killed. Its young are not subject to this interdiction. If it dies, it is eaten by the Bahutu in the owner's rugo, and its bones are buried there.

Among the Bahutu a sheep is used as the inkamwa.

IY'UMUGANGU. When the father of a family dies, the eldest son slaughters a bull calf, which is eaten by the family. The skin is worn by the eldest son for two months so that the cows will not die like their master.

192 IY'UMULIRO and INSHUMBUSHANYO. 1) If lightning has
231 destroyed the herd (or even one animal) held by the umugaragu, the
731 latter can obtain from his shebuja the umuliro (lit., the fire cow), either a cow or a bull calf.

When several cows are given by the patron to indemnify his client, the first one is called umuliro, the others inshumbushanyo.

425 2) If the patron deprives his client of his whole herd to punish him
231 for not performing one of his obligations, the umugaragu begs the protection of another shebuja who gives his new dependent a cow and a bull calf or only a bull calf.

192 IMPONOKE. When the herd of the patron, the provincial chief,
731 or the king is decimated by cattle plague (muryamo), the abagaragu
231 give some cows to fill the gaps caused by the epizootic disease.

[54] INDORANO (1). At the death of the king's child, wife,

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● 766

1. From kurora, "to see."

brother, and also in the case of death in a great chief's family, the provincial chiefs and the hill chiefs, if they are directly subject to the Mwami, each bring two cows to the Mwami, and only one in the other event. A cow is also given by the abagaragu. The cow given to a friend on the occasion of deep mourning is also called indorano.

768 If the woman[1] refuses all offers of marriage in order to devote herself to the education of her children, she will be allowed [70] nevertheless to remain in her rugo. She keeps the inyarulembo cows, her servants, the field and the pasture she had received from her husband with the right to reap the benefits thereof. This property does not constitute a dowry for her but is kept by her provisionally. Actually she merely manages it in the interest of those of her sons who are minors and who stay with her. In this way she may continue to live in the same manner as in her husband's lifetime, with no fear of poverty. Furthermore, even when her sons take part of this property in order to establish themselves, they do not cease to show a tender solicitude for their mother and to provide for her needs.

If the widow wishes to return to her family, she must then abandon the rugo and its contents, except for her personal belongings. Her children must be left to the father's family as soon as they are weaned, that is to say, when they are about four or five years old -- unless the dowry has not been paid in full.

587 It may happen that a widow with children marries a stranger to the deceased's family. In principle, she is not forbidden to live in her rugo with her new husband. But these marriages, which are not well looked upon, are usually precarious. At the slightest difficulty, the deceased's relatives intervene, and the second husband is driven out without being able to carry anything away and is even obliged to abandon the children he has had with the woman.

768 As to the childless widow, she must return to her family unless she agrees to marry a member of the deceased's family.

[1] [i.e., a widow.—Analyst]

6. Situation of the Widower

Usually the death of a wife does not bring to an end the relations of the widower with his family-in-law, especially if there are children born of the marriage. [71]

The parents-in-law have the option of giving their son-in-law one indorano cow (1) and sometimes even two.

1. The Bahutu give jugs of beer as indorano.

587 If the widower is left with very young children, the parents-in-law usually suggest to their son-in-law that he take one of their other daughters as a wife (2) so that the children do not have a stranger as

[765] 2. The widower may not remarry until after a month of mourning. During this time he does not shave, does not wash his clothes, and may not have intercourse with another woman.

stepmother. Far from claiming another dowry for her, they offer on the contrary an indongoranyo cow (3) which normally, however, is

3. A hoe, among the Bahutu.

the counterpart of the dowry paid.

A widower without children may claim restitution of the dowry. He usually does not do so because he knows that his parents-in-law, to avoid returning the dowry, will find him a new wife among their own daughters or those of their kin.

7. Guardianship of Children (4)

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●768 4. Cf. Personal Status, Tutelage and Emancipation, pp. 31 and 32.

The widowed mother who does not remarry outside the family continues to live in her rugo where she brings up her children until their marriage, which emancipates them, at least so far as the boys are concerned.

The son who is named head of the family actually replaces his father, provided he is old enough to do so. He has the same rights and obligations as his father, especially that of establishing his brothers (by giving them some indemano) and marrying off his sisters. If later one of his sisters happens to be repudiated, she takes refuge with her mother or her brother, who finds her a new husband.

If all the boys are minors, the paternal grandfather or, in his absence, the paternal uncle who seems the best [72] qualified is

429 chosen as guardian. In this capacity he exercises the prerogatives
768 of the paternal authority and manages for his wards the property left by the deceased.

If the male relatives on the paternal side have died, one of the maternal uncles will be guardian. In effect as each of the couple continues to belong to his and her umulyango, the children are members of both families.

429 Emancipation, which occurs normally at the moment of marriage comes when the young man reaches eighteen years of age. But it may happen that the children, having reason to complain of their guardian, go and seek justice, according to their rank, from the hill chief, the provincial chief, or the Mwami. When they are grown they may even emancipate themselves (proprio motu) by driving out their unworthy guardian.

8. Irregular Inheritance

428 While daughters are excluded from inheriting by the law of inheritance, they are always presented with gifts by the new head of the family, at least when he is their brother.

As far as the Bahutu are concerned, the following case may arise: A Muhutu, umugaragu of a rich Mututsi, has a daughter who is a servant to his master and who is married to another servant. When his client dies, instead of taking back the cows, the master can give them to the daughter's husband, who thus becomes his umagaragu.

When a wife dies, the few ornaments she owns (necklaces, bracelets) do not go to her daughter, but to her stepdaughters (her husband's daughters). With the political chief's permission, the mother may also give them to her son who was living with her and who will later on give them to his wife.

428 A man who has no sons (inchike) or who has cursed them may adopt
597 a son of his brother (umuhungu wachu) [73], or in his absence, a son of his sister (umwishywa). He promises him his inheritance and his inheritance and his nephew becomes his true son (1).

1. Cf. Personal Status, the Family and the Clan, p. 4.

2. Administration of Justice and Social Conditions

428 In the families of those Barundi (Batussi, Bahutu, and Batwa) who do not hold an office, the eldest son (or daughter) of the first wife is the secular and religious principal heir of the father. He inherits (kuraga) the largest share of the available family property, while the mother and the other children each receive equal shares of the remaining property. If the mother [429] is already dead and the children still small, the eldest son as the principal heir is expected to provide for them. If a 428 Murundi dies without children and leaves a widow, his brothers 768 divide his property among them, and the widow returns to her 587 family. However, a widow with children becomes the wife of the brother nearest to the deceased (levirate), and she and her children remain in the same house as before. The family stays together until the children are married and set up their own families (No. 19, p. 285). According to von Langenn, only sons receive the inheritance; they then support the mother and sisters. If there are no sons, either the widow or the daughters, as the case may be, are the heirs.

428 The eldest son also inherits the religious and professional 463 attributes and skills of his father. If the father was a priest 868 (kiranga), sorcerer, medicine man (umufumu), or blacksmith (umususi), etc., the eldest son becomes -- or remains -- in the same position or profession by inheriting from his father the insignia and tools, in addition to the expert training. Thus, certain professions remain the prerogative of certain families. If the mother is an expert of some sort, she will pass on her skills to her eldest daughter.

428 If someone dies without leaving a family or relatives, the mutwale of the district in question inherits the property (No. 19, p. 568). Since no written laws of any sort exist, all law is 671 customary law, tradition, and usage. Every adult Murundi is 563 familiar with these customs, and if anybody infringes them, it is regarded as a punishable violation of the law. Even the king considers himself bound by them in his relations to the Batussi and only under exceptional circumstances [93] does he disregard

684 himself with driving the adulteress from the house. In Urundi
837 one generally does not find the laxity of marital customs which exists in several other Bahima states, for example, in Ankole and among the Massai, where the husband customarily lends his wife to any member of his kin group who happens to visit him. Even in Urundi, however, married Batussi women take much greater liberties with other Batussi men, particularly with members of the kin group, than do unmarried women. However, this does not apply to Bantu men (see p. 101).

586 For this and many other reasons, divorce and dissolution of marriage (uwuhakanji) are frequent occurrences. It is not unusual to find persons who have been married five or six times. Since on the average the purchase price of a bride is quite low and can also be paid back without much difficulty, men and women often use the slightest provocation to separate from each other. If a husband mistreats his wife, she leaves him and returns to her parents or to her relatives who then do not have to refund the purchase price to the guilty husband. [108] If, however, the husband drives his wife away because she is lazy, malicious, or even committed adultery, the parents of the wife have to refund the purchase price of the bride to the husband.
[587] Persons who were divorced may remarry whenever they desire. In case of divorce, small children are left with the mother; of the older children the boys follow the father, and the girls go with the mother (No. 19, p. 174).

587 After the husband's death his widow (umufakasi) becomes the property of the brother or of the closest relative of the deceased (see p. 92), for when she married she was admitted into her husband's family.

587 In East Africa this so-called levirate is also customary
171 among the Sulu, the Wagogo, Massai, Turkana, Kamasia, Galla, Baganda, Banjankole, Banjaruanda, and others (No. 30, Vol. II, pp. 384, 403, 412, 419, 428, 538, 541).

● 768 If the deceased has neither brothers nor other close rela-
736 tives, the widow returns to her own family and takes her minor

768 children with her. The grown children stay with the husband's
736 family and provide for their widowed mother. However, childless widows earn their subsistence by working for neighbors or by begging.

562 The position of women is higher and the esteem in which
593 they are held is greater than among most other East African Negroes. As far as domestic and family matters are concerned, the wife's position is approximately equal to that of the husband. Both of them share the daily chores, except tending the
[462] cattle which is solely the husband's affair, and work in the fields and in the garden where most of the work is allotted to the wife, although the husband will lend his assistance with all these tasks. The preparation of meals is also solely the wife's job. In addition to this, the wife takes care of the children and the hut. The social equality of the two sexes is also demonstrated by the custom -- which cannot be found among any other East African people -- that husband and wife
[264] eat together (see p. 26). Emin Pascha expressly reports of the northern Bahima that the wives eat together with thier husbands, a practice which is not followed by the Bantu who live there (Petermanns Mitteilungen [Petermann's Communications], 1879, p. 222). The advice of the wife and particularly the mother is sought in all important affairs in Urundi. Their opinion is often decisive. Female chiefs are more of an ex-
562 ception here than among the eastern tribes, the Wassumbwa and the Wanjamwesi, but they do occur as a result of succession by inheritance, and they are not so conspicuous publicly as among the Wanjamwesi. The greatest amount of influence is wielded
[644] by the king's mother. She has the role of co-ruler during her entire lifetime (see p. 185 [not translated]), a position of respect which has also been preserved in the other Bahima states as far as Ufipa, the southernmost of them (No. 47, p. 90).

Of all the Barundi wives, those of the Batussi are the proudest. In contrast, the Batwa wives are over-burdened with work, are held in low esteem, and have no voice in the family council.

595 The large majority of the Barundi is monogamous. They are not prosperous enough to be able to purchase more than one wife or to support more than one household. Anyone who can

765 Funeral rites are performed only when a king is buried, but after each death certain mourning customs are observed which are more or less elaborate depending on the social position of the deceased. If the deceased is a common Murundi and also father of a family, his widow (or widows) and children observe a mourning period of seven days by not leaving the homestead. Presumably they are afraid of the spirit of the deceased when going outside the house so shortly after his death. Inside the hut they introduce numerous inovations and rearrangements as though they wanted to lead astray and divert the spirit of the deceased should he decide to return. The entrance to the residential hut is changed to another side, new stones are found for the fireplace, the place of the bed is moved, all the tools are rearranged, and so forth. After the seventh day every [783] member of the family takes a thorough bath in a stream, probably as a symbolic cleansing from the defilement caused by the deceased. Then the whole family have their heads shaved as a symbol of purification and mourning, and during the following two months they always wear clothes of mourning when leaving [292] the house, i.e., barkcloth which is neither dyed black, the normal color, nor painted with patterns (No. 19, p. 163) but [822] has its natural reddish-brown color; thus red is the color of mourning here. The name of the deceased is not mentioned any [551] more so as not to cause his malevolent spirit to appear, and all other persons or objects bearing the same name are given new ones.

766 Naturally a deceased mutwale is given more respect than a common Murundi. For the former the kiranga performs the 211 ceremonies of the "holy spear" (see p. 134), and a tree is 768 planted on his grave [115] as a memorial (imana) which is inviolable. The family of the deceased leaves the homestead and settles in another place; the huts of the deceased disintegrate and disappear, and the fig trees that form the fence gradually grow into magnificent trees. Nobody may cut them down for [689] wood on pain of death (No. 19, p. 205). The sites where chiefs once lived, both in Urundi and Ruanda, can be picked out anywhere in the landscape by these groups of trees arranged in a circle where they once enclosed the courtyards (Plate 29a).

766 that the burial ground is a place called Wunjange close to Imanga Mountain (see p. 185 [not translated]).

Emin Pascha reports of the Bahima (Wahuma) of Unjoro
171 that in this region the corpse of the ruler is also smoked on a catafalque and preserved in his hut for many years until his successor finally buries him (Petermanns Mitteilungen, 1879, p. 392).

In Urundi the homestead of the dead king is abandoned
768 as are those of deceased batwale; it gradually disintegrates and only the trees that formerly formed the fence reveal to the traveler the former importance of the site. A guard inside a
775 hut placed next to it [116] sees that nobody enters the place
769 and that the spirit of the deceased king, which, as has already been mentioned, is usually pictured as a big snake living on the site (totemism, p. 102), regularly receives sacrificial offerings of food and drink (No. 19, p. 205).

Van der Burgt reports that in honor of the dead king "heca-
766 tombs of human victims" are sacrificed (No. 19, p. 204), and
661 that some batwale and influential Barundi are executed" in order to appease the manes of the king." This presumably refers mainly to those unfortunate people who immediately after the king's death fall as victims of the policy of his successor or of the pretender to the throne, as well as the alleged sorcerers and witches who caused the king's death -- for natural death is
[761] something the Barundi do not know -- and who are now hunted down by the medicine men and executed (see p. 132, 140). In former times a few young girls and important men of the country were killed at the king's funeral in order to "accompany the deceased to the beyond" (see p. 186 [not translated]).

428 The widow whose son was chosen as chief legatee usually en-
[768] joys the use of the family property until her death. The sharing is definitively carried out only after she has left this world. A childless widow is usually sent away by her husband's relatives, who share among themselves the property of the deceased. On being dismissed, she is left merely with a mat and a few household utensils. If she is fairly young, one of her brothers-in-law takes her as a concubine or
429 gets her another husband. /51/ When a child loses both parents, he is given a guardian. The legal guardian is the paternal grandfather, or lacking him, an uncle, a paternal first cousin, or lastly the chief of the village himself.

Maternal uncles and aunts, especially if they belong to another clan, cannot as a general rule manage the orphan's property. This would give rise to disputes and legal porceedings among the members of both tribes. They may bring up the child at best.

The guardianship devolves by right to relatives on the paternal side. They administer the ward's property until he comes of age,
[582] that is to say, until the day when he takes a wife. This usually happens at the age of eighteen or nineteen.

If only daughters are left, the nearest paternal relatives
[428] inherit the family property, but they must take care of the orphans until they marry.

If a person dies childless and leaves no relatives, his property devolves by right to the hill chief. This property is called inkungu.

[165] The families are large, but child mortality is high.

851 Eight days after his birth the newborn child receives from his
551 father a name that befits the circumstances (1). The mother /52/ is

1. "We notice that all men," says Mgr. LeRoy, "give themselves names that characterize them, and frequently the best one they could find was that of an animal whose strength, skill, agility, or beauty they had noticed, of a plant that was useful to them.... of an object or phenomenon which had struck them." (Les primitifs /Primitive Peoples/, p. 126.)

784 The death of a family member makes the foodstuffs remaining
262 in the hut taboo, as well as the objects and tools which belonged
768 personally to the deceased. These objects may be purified with lustral water.

784 Even the widower or widow becomes taboo at the death of
768 the spouse and must undergo rites of purification.

Cohabitation between spouses becomes taboo upon the death
833 of a close relative, the king, or the queen mother. This remains in
784 effect for a period of time that varies with the importance of the
[764] deceased.

Marital relations are also forbidden in certain circumstances prescribed by usage or tradition, for example, at the time of a clandestine marriage proposal (1).

[584]

1. In order to force a girl's parents to give their daughter in marriage, an individual need only come into their hut under some pretext and covertly leave one of his bracelets there. After having taken leave of the household, he cries from afar, "Take good care of the object I left behind." The girl's parents believe that they must give her to him in order to avert misfortune.

[825] In the two preceding cases, the rules demand that the bull, billy goat, ram, and even the rooster be separated from the family herds and flocks!

784 All field work is forbidden at the time of funerals, as well
[461] as in the following cases: when lightning strikes the courtyard or hut, when a son is born, when a dog dies, when a hut burns, when it hails. On such occasions, work is forbidden only for one day.

[842] Women and herders may not touch sorghum mush while it lies on the household spatula (umwuko). If she were to disobey this injunction, a woman would risk bearing only daughters. As for the

644 Appointed cowherds lead before them a small herd of milk
484 cows to provide for the needs of the king.

The passage of a prince was formerly tantamount to a disaster
661 for the local inhabitants, who had to harbor the members of the train.

The retinue did not merely include courtiers, the royal guard, sorcerers, and the usual employees. Those dignitaries who wished to retain the good graces of the sovereign made it their business to accompany him with their numerous servants. Idlers and jacks-of-all-trades also joined the train along the way and fleeced the unlucky natives on whom they paid a visit.

This was indeed a veritable army which spared neither friend nor foe, trampling the crops in their path, looting travelers, and taking by force from the local inhabitants whatever had not been hidden in time.

The men who made up the usual retinue of Kigeri IV Lwabugiri
[551] were nicknamed the "Pillagers" (1), owing to their extortions.

1. Their native nickname, Ibitsimbanyi, is a noun derived from the verb gutsimba, which means "to pillage," "to fleece."

644 11. For the sake of completeness, we shall cite the following
768 two customs which the keepers of the traditions assure us were observed in the past. /498/

When the death of a neighboring sovereign, of the Uswi, Urundi, or Karagwe, was announced, the king had to leave his residence and have a new one built (1).

1. Times have changed. The choice of a site and the building of a new "palace" would present too many difficulties today. When the prince of Urundi died, the king merely spent eight days outside his habitual

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home, on the advice of his familiars, in a hut that stood nearby. The sorcerers assured him that he had nothing more to fear on the part of the spirits, who had been given full satisfaction by means of this trick.

643 Upon the accession of each new king to the throne, a special envoy went to the Ruzizi Valley and drew water from a spring called Zina. He took some of that water and brought it for the young monarch to drink.

The reasons for this custom, which has now fallen into disuse, have been forgotten.

Chapter 6

I. The Two Great Festivals at Court

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796 The two most important celebrations (ibirori) take place at the official presentation of the "First Fruits," and on the day following the annual mourning period, which the king and his court must observe.

This latter feast, which closes the month of June, is celebrated with the same pomp and richness. Since it will be described in the chapter dealing with honors rendered to the spirits of the royal dead, we shall discuss here only the festival called "First-Fruits" festival.

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[824] In their enthusiasm and admiration for Ruganzu II, the Victorious, the Banyarwanda go so far as to credit him with almost every food plant or grain they possess. Special mention is made of sorghum, eleusine, and a kind of wild plant /499/ known by the name of issogi (1), owing to their importance in the local economy.

342 been made, the neighbors are invited. They come and build the hut; the owner is solely concerned with serving the workmen. Some time later the door is built in the same manner.

In most cases the huts last only two or three years and must then be rebuilt.

768 After the death of the owner, his widow occupies the hut
125 unless she goes to live with the brother of the deceased. How-
787 ever, the hut is abandoned if an ibis or a crowned crane has settled on it. If the bird of ill omen were a crane, it is pursued, and if at all possible, the house is built on the first spot where the bird settles after it has left the roof of the hut. [205] They do not pursue the ibis. In Mulera the Bahutu as well as the Batutsi are afraid of both birds.

343 Let us now turn to a brief discussion of the storehouses (kigega)
251 which are so characteristic of the Ruanda compounds.

In Kiziba where the basic diet consists of the omnipresent banana which cannot be stored, there are no supply houses. The small supplies of beans and millet are wrapped in banana leaves and hung in large bundles on the uprights of the huts. In Kissaka and the rest of Ruanda where the main diet consists of millet flour and peas and where the small supplies of bananas are used chiefly for beer, houses are necessary to store the abundant harvests.

343 The storehouses are large cylindrical baskets. They consist
285 of a layer of sticks running the length of the basket and held
251 together by a number of hoops made of bundles of sticks. This basket is supported from below by a number of wooden forks stuck into the ground, which grasp the outer hoops of the bottom of the basket.

The walls of the basket are sealed with a mixture of clay and cow dung. Under the basket is laid a pile of ashes as a protection against the eternal ravages of termites.

This large basket, two meters high and one to one and a half meters wide, is closed at the top by a straw lid sewed to a conical lattice of sticks. In Kissaka the storehouse has no door, so the roof lid must be removed when supplies are put in or taken out.

251 Millet is usually stored in the form of clipped ears. Once, however, I saw an unusual instance in Kissaka of unthreshed millet

614 endangered by his plans for dividing his property, for instance,
627 if he impoverishes several of his sons, the clan often steps in,
629 overrides his decision, and apportions his estate in a way that seems to it more suitable. With the disintegration of the clan and the increased power of the chief, this power passes to him, and he has the final word.

614 The rights of the individual are always sacrificed to the
623 interests of the clan. In Bugoye I even heard that all the clan property is re-apportioned if the fields have become concentrated in the hands of a minority. This re-apportioning, I was told, is called kutshura hasi.

614 At present, under increased taxation and the Batutsi supremacy,
651 it is said that sometimes clan members who cannot pay their taxes are driven out and even replaced by outsiders. The latter then participate in the tax payments which are made in common. Such instances are possible, of course, only when clan organization disintegrates.

614 The clan also protects its women. If there are daughters in a household who have no guardian after the death of their father, they are taken into their brother's house as paternal aunts.

614 The protection of female clan members does not extend to
591 their husbands, however. If husbands settle with their wife's clan without being adopted, they are not regarded as equals. This
760 happens primarily when a widow and her children remain with members of the husband's clan and she takes a man into the house. The latter can simply be driven out after the woman's death.

671 In Bahutu Ruanda, society does not protect the weak. The
614 [235] individual who is on his own, not protected by any group,
178 is without legal rights and can be oppressed and even slain by anyone. Such attacks are not punished here. In the oppression of the defenseless, they see nothing anti-social since actually it achieves better organization. This is the principal means by which the unyielding masses are united into well-organized groups. Here we cannot fail to recognize the connection between the development of the clan system and the absence of general legal norms. That is why the disintegration of clan organization caused by the Batutsi is accompanied by the establishment of universal norms, despite all the despotism that accompanies conquest. Now the individual

7: Roscoe M-5 (1919-1920) 1924
FO42 Rundi FO42

After the mourning the heir was purified by an elder of the clan, and he then took the mourning garment and buried it in some secret place. The mourners shaved their heads and hid the hair. A medicine-man decided whether the house of the dead man might still be inhabited or not. If the people were permitted to remain there, they, the place, and the pots had to be purified; but if they had to go they gave the pots and furniture away and left the house to fall down.

The heir was purified again by an elder of the clan and then went to buy a cow, which he took to the king, whom he was not on this occasion allowed to see. The next day he visited the king, taking a present of a young bull, and informed him of the death. This reception constituted his acknowledgment by the king as the dead man's heir, but if he proved unsatisfactory he might later be dismissed from the chieftainship.

The heir took all his father's widows except old women and his own mother. He even took widows with children, and the children regarded him as their father.

When a married man lost his father he lived apart from his wife for two months, and on the death of his mother he avoided his wife for one month.

8: Hall G-5 (1929-31) 1938 FO42 Rundi FO42

his bride-wealth, since his brother-in-law did not take her away, she went home when ill because she had no home. In any case, the Court adds, bride-wealth is not to be returned as a matter of course just because a woman dies. 586 691

In a third case a woman has died after bearing one child; the circumstances of death are not stated. The widower, reclaiming his bride-wealth, a cow, which by increase has become 8 head, in a village meeting, has been awarded 5 head and the woman's father 3. The widower has later taken one of his father-in-law's share to provide milk for the child, and now claims his right to retain it and receive the balance. The Court confirms the decision of the village meeting, on the grounds that although the widower has lost a wife, her father has lost a child.

(*d*) when a husband drives away his wife without due cause, or abandons her.

Instances: A man takes his cow, paid as bride-wealth, away, then drives his wife out of the house, and now reclaims the balance, 11 hoes. He is adjudged to have forfeited these.

A man reclaims 7 hoes, balance of bride-wealth of a cow and 7 hoes, from his brother-in-law, who has taken the woman when ill to a doctor and has not returned her. The husband is found to have seized the opportunity to take back his cow and to have abandoned his wife, and he is held to have no claim to his hoes.

A man claims 6 cows, the increase of one, paid as bride-wealth. It is established that after the woman had borne him 5 children, he emigrated, leaving her, and that she is still unmarried and willing to return to him. He admits in cross-examination that he wants the cattle, not his wife—and loses both.

Bride-wealth is also returnable when a woman, left a widow, declines to remain under the custody of her late husband's heirs, and goes to her relatives. But custody must be claimed at the time of the husband's death: in a case where this was not done, and the woman had gone away and remarried, the new marriage was allowed to stand, subject to the proviso that the child of the marriage would be a member of the family of the first husband when it grew up, if it desired. In one case, a man waives his claim to the bride-wealth in respect of the widow of his dead son, she having returned to her relatives. 587 768 851

On the termination of a marriage, the custody of children is always the right of the husband. If he dies, the right passes to his heirs: there 586 768 851

8: Hall G-5 (1929-31) 1938 FO42 Rundi FO42

586 851 768 is, however, an exception recorded, where, on a man dying leaving only female children, these were taken charge of by the village headman. The right to custody sometimes involves investigation of paternity, the nature of which is fully understood.

[691] *Instances*: A man sues his wife's new husband, after divorce, for payment of bride-wealth or else for custody of a child of which he claims she was pregnant when she left him. A count of months establishes the paternity of the new husband.

The son of a man deceased sues the man to whom the widow has gone, she then having a four-months' old child, for the first offspring of the new union as well as the other child, on the grounds that she was pregnant at the time of her husband's death. The Court finds that no woman has ever been heard of suckling a four months' child and pregnant of another, and therefore awards the eldest child only.

In a third case, it is necessary to establish paternity as between three possible fathers.

[862] An unweaned child will remain with its mother till weaned. If not claimed then, her relatives or new husband may claim recompense for the cost of bringing the child up: in one case a goat is to be paid, in another, half the milk of a cow, and 3 hoes.

768 428 As a corollary to the right to the custody of a child, the heir of a man who has died has the right to the bride-wealth in respect of a girl-child, when the widow has returned to her relatives and the child has not been claimed before she reaches marriageable age, subject to a deduction for the cost of bringing her up.

[691] *Instances*: In the case just cited, the milk and three hoes represented a deduction from the total bride-wealth of a cow and five hoes.

In another case, the woman's relations resist such a claim on the ground that when she left the heir, her son, and went home, he claimed only her clothes but not the child. Their case fails.

In one case, a man lost his reason, and his wife went off to another man with her three children, of whom two were females. This other man married off one child and betrothed the other. Both contracts [681] were dissolved, the man was fined and in addition was made to refund to their father 14 hoes which had been handed over for maintenance of the children.

586 Dissolution of marriage is found to take place on numerous grounds. The records disclose causes of offence by the husband as follows:

9:Maquet E-5 (1949-1951)1961 FO42 Rundi FO42

Sometimes these rights (bare ownership and usufruct) were possessed by the same person. The cattle concerned were then called *imbata*.[1]

3. INHERITANCE RULES

When the father died, the family unit of which he had been the head did not disappear as well. Some of the family functions had still to be carried on for some time: the younger sons had to be given a wife and the bride-wealth paid for them, the younger daughters had to be married, and perhaps young children had still to be taken care of by their mother for several years. In order that the family unit should be able to perform its tasks before its breakdown, it was necessary that the duties of the rugo head should continue to be fulfilled. Consequently the father chose one of his sons who could be trusted with that role (*umutware w'urugo rwa se:* head of his father's family). He was often, but not always, the eldest son of the first wife. The father could even choose a brother or one of his parallel cousins if he thought none of his sons was capable. The father's choice could always be reversed by the lineage head or the political chief or even the lord, if it appeared unwise to these authorities or if it was the cause of complaints from the other members of the family.

It was the father who was endowed, as we have just seen, with rights to land and cattle. The totality of these rights plus goods such as trees, huts, and household implements, constituted his patrimony.

If there was no declaration of will, custom determined the division of the patrimony according to the following rules.

The first heirs were the sons of the deceased, or, failing these, his brothers, then his paternal male parallel cousins, his grandsons, the sons of his brothers and their male paternal parallel cousins, his paternal uncles. Then any male in the inzu or the umulyango. If there was no known kinsman left, the political authority (land or cattle chief) or the lord was the heir. In that case the patrimony might be divided according to the kind of rights left, for instance those over cattle went to the lord, those over land to the land chief. Or the more powerful authority was able to secure for himself the whole of the inheritance.

[1] See Vanhove, 1941, pp. 48-59, for still other, but less important, rights over cattle.

9:Maquet E-5 (1949-1951) 1961 FO42 Rundi FO42

Nothing was definitely left to the wife, the daughters or the affines. But the wife had the usufruct of the rugo in which she had been living while she still had young children to care for. Even when all the children were married, it happened frequently among Tutsi that the wife remained in the rugo till her death. This was usual when the widow married one of her husband's consanguineal relatives, or did not marry again. If she married a man completely alien to her former husband's patrilineage, usually she had to leave the rugo.

The father, before he died, had already given a share of the inheritance to each of his married sons, at the time of the wedding. Consequently, what was left at the father's death had to be divided among the sons who had not yet received anything. In principle rights to cattle as well as to land were equally shared. When bare ownership of cattle was divided between the sons of a lord, the clients of the father became clients of the son to whom the bare ownership of a particular cow or herd of cattle had been ascribed. When usufruct on cattle had to be inherited, the successors became clients of the people who had the bare ownership of the same cattle. But the lord had to agree on the choice of his new client.

In a polygynous family the principle of equality of shares held good for each rugo. Consequently the shares of the sons of the same father could vary considerably if the number of sons of each wife was very dissimilar.

The son chosen as head of the rugo had a supplementary share (*ingarigari*) as he had more economic responsibilities. Normally he received it before his father's death. This was called *gukubita itoko*, to stroke the thigh, meaning to give a favour.

Debts owed by the deceased were divided between his heirs, but the family head had to meet a greater part than the others. Judiciary fines were cancelled by the death of the debtor. When the deceased was creditor, the debt had to be paid by the rugo head who shared it with his co-heirs.

The father could also make a will and usually did. He could alter the traditional procedure within rather narrow limits, and for reasons regarded as valid by the patrilineage head or sometimes the political chief or the lord. A son who had been cursed was *ipso facto* disinherited. A son could be punished in the same way

10:Albert E-5 (1956-1957)1963
FO42 Rundi FO42

protection of her grandparents. It is best if she is obedient and thus avoid blows and dinnerless nights.

Friendship between a woman and her daughter must wait until the latter is herself a mother. If a married daughter is kind, she will ask her husband for permission to go to help her mother during the busy season. From her married son, a woman expects presents. If he is too poor to give gifts, she will mock and shame him. If he arrives at her home empty-handed, if he comes back from a job in Uganda or the city without something for her, she will be enraged. It means her son does not like her, for he has not given her a present. However, an intelligent woman very early chooses one of her sons as her favourite—usually a different one from the father's favourite. She struggles on his behalf against the other children of her husband, above all against his half-brothers, the sons of his father's other wives. She protects his heritage, she does not remarry even if left a widow very early, she prevents the brothers of her deceased husband from taking possession of her husband's cows or from chasing her and the children off of her husband's property. A widow, particularly among the Tutsi, prefers to remain on the property given her by her husband without remarrying. She is thus finally independent of a husband's authority. To live where her favourite son lives assures her happiness. A good son, it is said, puts the happiness of his mother before that of his wife.

A full analysis of Rundi "Momism" is not possible here. It seems to depend in part on the biological and symbolic importance of food, which the mother gives or refuses at will; in part on the maternal sorcery of sacrificing her own interests for the sake of her sons; in part on the psychological power of which a mother assures herself during her son's infancy by making him very happy when she praises him and causing him great unhappiness and shame when she ridicules him. Children are, in any event, obliged to respect and love their parents, that is to say, to work for them and to obey them.

When a woman is at last a mother-in-law and grandmother, she has reached the high point of her life as a woman. A mother-in-law and her son-in-law, no matter what their caste, address each other as *umufasoni*, noble. Their relationship is one of highly formal respect, politeness of the highest degree, no jokes and no quarrels. A mother-in-law is the uncontested superior of her daughters-in-law. She orders them to work, she must be given respect, she chooses one of them as her favourite—the one who works the most for her, who is most obedient and docile. Towards her grand-